



Harvey's ATV Parts

Since 2011

- New OEM Parts • Aftermarket Replacements •
- Family Owned and Operated •

Made for riders, designed by riders

Harvey's is a homegrown business started in 2011. It all started with our family's love of ATV/UTV outdoor sports. We believe in quality, the American dream, and having fun with what we do. Our business started as a way to earn part time college money and it grew into a full family business.

These Mother Clutchers™ are designed to rigorous quality standards by Harvey himself. There are lots of aftermarket parts houses out there who don't really know (or care) about what they're selling. By contrast, our goal is to make a clutch that's better than the original!

Harvey's ATV Parts is the registered trademark holder of the brand name "Mother Clutcher™" in regard to all sales and distribution of this product. Mother Clutcher™ strictly regulates the design, manufacture, advertising, distribution, and sale of its products. Our products are supplied to us and through us only. It is illegal to import, manufacture, offer for sale, sell, advertise, or distribute counterfeit or infringing Mother Clutcher™ products.

Application in Cases of Infringement

Harvey's ATV Parts employs a dedicated security team and brand enforcement investigators to ensure that their trademarks are not violated. Harvey's adopts a pro-active approach to counterfeiting of our products and is actively targeting individuals, sites, and any business premises where counterfeit copies of our products are manufactured, distributed, possessed, or sold.

COMMON QUESTIONS

Q: Why has my listing been removed?

A: Harvey's ATV Parts is committed to the strict enforcement of its trademarks and other intellectual property rights. We have requested the removal of your listing because Harvey's ATV Parts and its agents have a good faith belief that the merchandise you were offering for sale is counterfeit or otherwise infringes our trademarks and thus is in violation of the law.

Q: How did Harvey's ATV Parts determine that my listing offered for sale goods that were counterfeit or otherwise infringing?

A: Due to the nature of eBay and the Internet, this determination was based upon the photograph(s), title of the listing and the description of the goods that you have provided. If your listing was terminated upon our request, we are satisfied with our determination that this item is not authentic.

Q: Why was I allowed to post my listing if it violates the law?

A: The ability to post such auctions of infringing merchandise DOES NOT mean that the sale of such merchandise is legal, authorized or does not infringe our trademarks.

Q: Why was my listing removed while many other auctions offering "Mother Clutcher™" items for sale remain up?

A: Due to the nature of eBay, it is impossible to address every listing related to our brand.

This, however, does not mean that because some listings are not removed, they aren't also breaking the law. If you wish to send us listings that you believe infringe our trademarks, we invite you to do so.

Q: Why was I not informed directly by Harvey's ATV Parts before I was reported to eBay?

A: In many cases where an individual is offering multiple infringing products for sale then we try to send a warning e-mail at the same time as requesting withdrawal of your listing. Given the volume of listings dealing with Mother Clutcher™; it would be both impractical and inefficient for us to contact each seller individually in every case.

Q: Can I use the word "Mother Clutcher™" in an listing heading even if I am not selling MotherClutcher™ item?

A: NO. Harvey's ATV Parts has a registered trademark for this name, including its use for retail services, and this prohibits the use of our name in relation to goods that do not originate from Harvey's ATV Parts. Therefore, it is both misleading and infringing to use the trademark "Mother Clutcher™" in an listing title or description because such use may attract buyers who are searching for authentic "Mother Clutcher™" goods. Additionally, courts have held that this

confusing practice of enticing buyers, referred to as “initial interest confusion”, is a form of trademark infringement, even though consumers may ultimately realize the goods offered for sale in a listing do not originate from “Mother Clutcher™”. This practice is an attempt to exploit the goodwill associated with our trade names and will not be tolerated.

Q: I believe that the item I am offering for sale is authentic “Mother Clutcher™” merchandise, how can I tell?

A: “Mother Clutcher™” is not willing to disclose the specifications of genuine merchandise so as to prevent this information from reaching manufacturers of counterfeit merchandise. We can assure you, however, that all authentic “Mother Clutcher™” products are made using superior materials, quality, and workmanship. The ONLY way to ensure that you have purchased an authentic “Mother Clutcher™” product is to purchase it directly from Harvey’s ATV Parts eBay page, Amazon page, or our own website.

Q: Why is Harvey’s ATV Parts concerned with my sale of a single piece of unauthorized product?

A: Harvey’s ATV Parts takes all matters of infringement seriously regardless of the quantity of items listed for sale. We cannot grant exceptions to anyone simply because the infringement concerns only one or two items.

Q: What if I was unaware that the merchandise, I was selling was not an authentic MotherClutcher™ product?

A: Ignorance of the law or innocent intent is not a defense against trademark violations. The law maintains that it is YOUR responsibility to ensure that your activities do not in any way violate the intellectual property rights of others otherwise, you will subject yourself to liability which cannot be avoided by claiming ignorance.



